



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,857	04/19/2005	Michael John Watchorn	TEBL2	4009
6980 7590 11/13/2009 TROUTMAN SANDERS LLP BANK OF AMERICA PLAZA 600 PEACHTREE STREET, N.E. SUITE 5200 ATLANTA, GA 30308-2216				
EXAMINER				
SINGH, SUNIL				
ART UNIT		PAPER NUMBER		
3672				
NOTIFICATION DATE		DELIVERY MODE		
11/13/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jim.schutz@troutmansanders.com
patents@troutmansanders.com
ellen.walters@troutmansanders.com

Office Action Summary

Application No.

10/531,857

Applicant(s)

WATCHORN, MICHAEL JOHN

Examiner

Sunil Singh

Art Unit

3672

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10,12-15 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10,12-15,29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Upon further consideration, the allowability of claims 10,12-15,32 have been withdrawn.

See discussion below:

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 29-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preambles of claims 29-32 do not commensurate with the claim they depend from.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10,12,13,14,29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Netherlands document (NL 1023142) in view of either Moog or Sullaway et al. (US 6409428, 4789271)

Netherlands document '142 discloses the combination of a foundation (6,2,11,12) and an offshore structure (8) mountable in the foundation, wherein the structure comprises an end part and controllable alignment means (see Fig. 4) located on the leading end part, the foundation comprising a socket, an intermediate supporting part and an

upper body having an internal guiding surface wherein the socket operatively receives the leading end part and the internal guiding surface operatively provides a reaction surface against which the adjustable alignment means operatively act for adjustment of the structure into a desired alignment when the end part has been accommodated in the socket, the alignment means detachable from the end part after the end part is inserted in the foundation. Netherlands document '142 discloses the invention substantially as claimed. However, the Netherlands document is silent about the leading end portion being substantially conical in shape and the base surface being substantially conical in shape to conform with the substantially conical end portion such that the conical base surface and the conical end portion are in juxtaposition. Moog and Sullaway et al. both teach a leading end portion being substantially conical in shape and the base surface being substantially conical in shape to conform with the substantially conical end portion such that the conical base surface and the conical end portion are in juxtaposition (see Figs. 1, 2). It would have been considered obvious to one of ordinary skill in the art to modify the structure and foundation of the Netherlands document to include a leading end portion being substantially conical in shape and the base surface being substantially conical in shape to conform with the substantially conical end portion such that the conical base surface and the conical end portion are in juxtaposition as taught by either Moog or Sullaway et al. since such a modification facilitates the insertion of the structure.

With regards to claim 12, it would have been considered obvious to modify the internal guiding surface of the Netherlands document to be frustoconical as taught by either

Moog or Sullaway et al. since such a modification facilitates the insertion of the structure.

Re claim 29 see Fig. 4;

Re claim 30, the alignment means can be moved.

Re claim 31, the alignment means can be moved along the length of the structure.

Re claim 32, the alignment means is reattachable.

5. Claims 10, 12,15,29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Netherlands document (NL 1023142) in view of Schaloske et al. (US 4222683)

Netherlands document '142 discloses the combination of a foundation (6,2,11,12) and an offshore structure (8) mountable in the foundation, wherein the structure comprises an end part and controllable alignment means (see Fig. 4) located on the leading end part, the foundation comprising a socket, an intermediate supporting part and an upper body having an internal guiding surface wherein the socket operatively receives the leading end part and the internal guiding surface operatively provides a reaction surface against which the adjustable alignment means operatively act for adjustment of the structure into a desired alignment when the end part has been accommodated in the socket, the alignment means detachable from the end part after the end part is inserted in the foundation. Netherlands document '142 discloses the invention substantially as claimed. However, the Netherlands document is silent about the leading end portion being substantially conical in shape and the base surface being substantially conical

in shape to conform with the substantially conical end portion such that the conical base surface and the conical end portion are in juxtaposition. Schaloske et al. teach a leading end portion being substantially conical in shape and the base surface being substantially conical in shape to conform with the substantially conical end portion such that the conical base surface and the conical end portion are in juxtaposition (see Fig. 2). It would have been considered obvious to one of ordinary skill in the art to modify the structure and foundation of the Netherlands document to include a leading end portion being substantially conical in shape and the base surface being substantially conical in shape to conform with the substantially conical end portion such that the conical base surface and the conical end portion are in juxtaposition as taught by Schaloske et al. since such a modification facilitates the insertion of the structure. With regards to claim 12, it would have been considered obvious to modify the internal guiding surface of the Netherlands document to be frustoconical as taught by Schaloske et al. since such a modification facilitates the insertion of the structure.

With regards to claim 15, it would have been considered obvious to modify the Netherlands document to include a spherical element on the tip of the leading end portion as taught by Schaloske et al. since such a modification aides in the orientation of the structure.

Re claim 29 see Fig. 4;

Re claim 30, the alignment means can be moved.

Re claim 31, the alignment means can be moved along the length of the structure.

Re claim 32, the alignment means is reattachable.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sunil Singh/
Primary Examiner, Art Unit 3672

Sunil Singh
Primary Examiner
Art Unit 3672

SS

11/01/09